

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF MISSISSIPPI
OXFORD DIVISION**

ADRIAN HOYLE

PLAINTIFF

VS.

CIVIL ACTION NO.: 3:21-cv-00171-NBB-RP

**CITY OF HERNANDO, MISSISSIPPI,
ET AL.**

DEFENDANTS

STIPULATION

The parties – Adrian Hoyle, the City of Hernando, Chief Scott Worsham (in his official capacity), and Officer Lynn Brown (in his official and individual capacities) – seek to clarify the operative complaint [Doc. No. 8] and pending dispositive motion and memorandum [Doc. Nos. 12 & 13]. Accordingly, they stipulate as follows:

1. For purposes of state law, Hoyle seeks to recover only against the City of Hernando, not Chief Worsham or Officer Brown personally.
2. The City's memorandum supporting its dispositive motion argues that Hoyle cannot recover under state law because suit was filed prematurely, i.e. prior to expiration of Mississippi Code § 11-46-11's 90-day waiting period [Doc. No. 13 at p.18]. The City withdraws this procedural argument and instead requests that the Court adjudicate the substantive argument found at pages 18-20 of Doc. No. 13.
3. This stipulation shall not impact the other claims brought by Hoyle or arguments raised by the City of Hernando, Chief Worsham, or Officer Brown.

Dated: September 30, 2021.

Respectfully submitted,

PHELPS DUNBAR, LLP

BY: /s/ G. Todd Butler

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ATTORNEY FOR PLAINTIFF

CERTIFICATE OF SERVICE

I certify that I had a copy of this document filed electronically, which sent notice to the all counsel of record.

SO CERTIFIED, this the 30th day of September 2021.

/s/ G. Todd Butler

G. Todd Butler